

Subject
314D

OGC HAS REVIEWED.

5 December 1952

Mr. Richard L. Merrick
1624 I Street, N. W.
Washington, D. C.

Dear Mr. Merrick:

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Pursuant to our recent conversations in connection with the status of your client, [REDACTED], I wish to set forth the position of the Agency in regard to the termination of his employment. As you are aware, proceedings within the Agency have been held in abeyance pending our negotiations with you, and he has been retained in the status of technical reinstatement which was required to cure a procedural defect.

As I stated to you, we are willing to consider a termination by resignation as being in the best interest of the Government and of your client, but we are required by applicable law and regulations to point out some circumstances in connection with such a resignation. As we understand it, [REDACTED] would like a period of time up to ninety days to seek other employment. We would be willing to accept a resignation at this time to become effective on or before 31 December 1952. We cannot agree that any such resignation would obligate this Agency to pay or recommend the payment by the Government of retroactive compensation for the period between the date of his discharge, 10 April 1952, and his restoration to duty, 15 October 1952. We understand that you may seek recovery of such retroactive pay through the Court of Claims.

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If the arrangements set forth herein are satisfactory, please notify us at your earliest convenience of your agreement on behalf of your client inasmuch as we cannot suspend action on the existing proceedings beyond Tuesday the 9th of December.

Very truly yours,

Lawrence R. Houston
General Counsel

OGC/LRH/OEP:apf:kr:imm